

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LEVON JONES

Plaintiff,

V.

FEDERAL HOME LOAN MORTGAGE
CORPORATION

Defendant.

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CASE NO. 4:13-CV-559
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 15, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim [Doc. #10] be granted [Doc. #17]. On February 4, 2014, Plaintiff filed his Objection to Defendant's Reply in Support of Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State Claim [Doc. #18]. On February 4, 2014, Defendant filed a response [Doc. #19]. On February 24, 2014, Plaintiff, without leave of court, filed objections [Doc. #21]. On February 26, 2014, Defendant filed a response [Doc. #22].

Plaintiff Levon Jones, as trustee, filed his Original Petition for Quiet Title and Validation of Debt in state court. Plaintiff's suit involves the foreclosure of real property located at 3632

Trail Walker Drive, Plano, Texas 75074 (the “Property”). The Magistrate Judge recommended that Defendant’s motion to dismiss be granted because Plaintiff’s claims are barred by the doctrine of res judicata. The Magistrate Judge determined that the prior judgment in Cause No. 4:12-cv-00322 bars all claims being asserted in this second action.

On February 4, 2014, Plaintiff filed an to objection to Defendant’s reply. This document was filed weeks after the report was entered, and the court will treat this document as objections to the report. The document does not address the issues raised by the Magistrate Judge and does not object to any finding, either factual or legal, made by the Magistrate Judge. Plaintiff merely continues to argue the “show-me-the-note” theory which has been rejected by this court on many occasions.

On February 24, 2014, Plaintiff filed, without leave of court, objections to the report and recommendation. The objections are not timely and are struck. The court adopts the findings of the Magistrate Judge, without objection, that all of Plaintiff’s claims are barred by res judicata. However, even if the objections were timely, and considered by the court, the result is the same. The only objection raised by Plaintiff is that he objects to the findings and conclusions of the Magistrate Judge. This is not a proper objection and raises no issue for the court to decide. Objections must be specific. Plaintiff fails to challenge any of the findings of the Magistrate Judge other than to generally object. Therefore, even if Plaintiff had filed timely objections, the objections have no merit.

Having received the report of the United States Magistrate Judge, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim [Doc. #10] is **GRANTED** and Plaintiff's case is **DISMISSED** with prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** this **9** day of **April, 2014**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge